

PATENT
450100-4486**REMARKS**

Reconsideration of the rejections in view of the following remarks is respectfully requested.

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AUG 14 2006**COMMENTS ON THE "RESPONSE TO ARGUMENTS"**

As an initial matter, Applicant's attorneys submit the following in response to the Examiner's "Response to Arguments" statements:

As noted by the Examiner Herz at col. 17, lines 39 -41 describes two "time variables" l and u . As defined by the Herz these "variables" define the start and end period of a time window. These variables can be assigned a value of time, but the values which are assigned to these variables are not "time-variable coefficients." As explained in the specification of the instant application, a time-variable coefficient is a value between 0 and 1 which varies depending upon the specific point in time which is being considered. The specification on pages 27-28, along with Fig. 25B describes the use of the time-variable coefficient at the time point 20:40, where the time-variable coefficient was 0 at 20:00 and 1 at 21:00. According to the equation on page 28, the time-variable coefficient is $40/60$ or $.66$ at 20:40. This value is used in the equation to solve for genre taste value (F_{20}) at 20:40. Thus as is apparent the value of the time-variable coefficient changes over time. In contrast, the variables l and u though resettable, remain fixed for the time period defined by the user and do not change over the course of that defined time period. Accordingly, it is submitted that they are not time-variable coefficients as recited in claims 15 and 17.

Next, the Examiner states that Herz teaches linear interpolation, and refers to col. 18, lines 12-15. However, this linear interpolation is of the satisfaction factor (sf). Prior to the instant action, the Examiner never asserted that the time-variable coefficient was met by the sf

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described in Herz. But when considering the citations previously relied upon by the Examiner, it is apparent that Herz does not teach linear interpolation of the alleged time-variable coefficients *l* and *u*. As discussed in Herz at col. 17, lines 39-41, the values for *l* and *u* are simply assigned as the start and end time of time window and are not determined through linear interpolation. Further, the values for *l* and *u* are not determined through linear interpolation on the basis of a request time as the time-variable coefficients of the instant application are. Accordingly, to the extent there is no teaching of the time variables *l* or *u* being interpolated linearly, the previous arguments are correct.

REJECTIONS

Claims 15-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Herz et al. (U.S. Patent 5,758,257).

Claims 15 recites:

retrieving information suiting said specific user based on said study user model by calculating a genre taste value based on a request time for an electronic program guide (EPG); said genre taste value being calculated using a life-scene function representing a relationship between the life-scene corresponding to the request time and a time variable coefficient, said time-variable coefficient being determined by a linear interpolation on the basis of the request time and defining a value for said life-scene/time function.

It is respectfully submitted that the relied upon portions of the cited reference do not teach or suggest such a feature.

The Examiner's rejections fail to specify any element of Herz which meets the "genre taste value." On page 5 of the office action, the Examiner addresses this limitation but fails to specify any portion of the specification which teaches a "genre taste value." The genre taste value as recited in claim 15 is a value derived from the life scene/time function which itself is the product of the life scene, the time, and a time-variable coefficient. It is respectfully submitted

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that the relied upon portions of Herz do not teach a genre taste value which is derived from the foregoing factors.

As best understood by the Applicant's attorneys, the closest analogous element described by Herz to the genre taste value of the instant application would be the satisfaction factor (sf). It is submitted that this "genre taste value" is similar in nature to the satisfaction factor (sf) in so much as it provides a value for determination of how well a program fits within parameters specified by the user. However, unlike the genre taste value, there is no teaching in Herz of the components which make up the satisfaction factor, and it is best understood to be an arbitrary value which may even be assigned by the user.

In an apparent but unstated concession to the arguments presented in response to the preceding office action, the Examiner now for the first time appears to rely on the satisfaction factor (sf) to teach the time-variable coefficient as recited in claim 1. But at section 1 of the Office Action, the Examiner contends that Herz's variables l and u are time-variable coefficients. It is unclear whether the Examiner now argues that sf is a time-variable coefficient, or if it is l and u. Nevertheless it is submitted that the satisfaction factor (sf) does not correspond to the time-variable coefficient but rather, at best, to the "genre taste value" recited in claim 15, and described in the specification on page 27 is also referred to as an "audience rating."

Moreover, as explained above, a time-variable coefficient, as described in the specification, is a value between 0 and 1 which varies depending upon the specific point in time that is being considered. The specification on pages 27-28, along with Fig. 25B describes the use of the time-variable coefficient at the time point 20:40, where the time-variable coefficient was 0 at 20:00 and 1 at 21:00. According to the equation on page 28, the time-variable coefficient is 40/60 or .66 at 20:40. This value is used in the equation to solve for genre taste

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value (F_{20}) at 20:40. In contrast, the satisfaction factor (sf) of Herz has a base of 1 and “increases as the time window narrows.” Col. 18, lines 9-10. Further, Herz describes (sf) as having a maximum value for the “most specific window, which is two hours wide.” In contrast, as shown by the foregoing example, and as recited in the specification the time-variable coefficient of the instant application is not limited to a two-hour window, but may be used to determine the minute by minute genre taste value. Still further, the time-variable coefficient is between 0 and 1 rather than having a base of 1 and increasing from there as the (sf) does in Herz.

Therefore, for at least these reasons, Herz fails to teach or suggest each and every limitation of claims 15-20 which should be allowed.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the basis for a contrary view.


CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

The Commissioner is authorized to charge any additional fee that may be required to Deposit Account No. 50-0320.

Respectfully submitted,
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